
From: Liu, Linda
To: Wu, Jennifer
CC: Woodruff, Leigh; Helder, Dirk; Carvalho, Gabriela; Henning, Alan; Peterson, Erik
Sent: 8/26/2014 5:55:19 PM
Subject: RE: CZARA meeting follow up
Attachments: from 060214 letter re petition by Arkin.docx

Hi Jennifer -- for the last two questions (in blue) in your email, attached please find EPA Region 10's June 2, 2014, response to a petition from Beyond Toxics in Eugene, Oregon. This response was reviewed and approved by EPA Office of Pesticide Programs and OGC. I highlighted the issues we face in red.

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From: Wu, Jennifer
Sent: Thursday, August 21, 2014 9:31 AM
To: Woodruff, Leigh; Helder, Dirk; Liu, Linda; Carvalho, Gabriela; Henning, Alan; Peterson, Erik
Subject: RE: CZARA meeting follow up

Perfect- thanks, Leigh. Do you have a contact in Idaho forestry who I could talk with about why the State decided to protect Type N streams? Maybe it's just obvious that all streams should be protected, but I'd like to see if I can get as much background or hard information as I can.

All, I've also been organizing thoughts on how all these different pieces fit together. As we gather information, these are the four buckets I'm putting them into to get a cohesive story. Long email ahead, so read on if you're interested.

So the good thing is that in my opinion, we have two of the four harder questions answered which are:

Does the State have buffers and/or protections in place for aerial application of herbicides on Type N streams? This should be the question we're answering for whether the program is approvable. I'd have to say no, based on the fact that their Forest Practices Act explicitly doesn't protect Type N streams, and that as the federal agencies are undergoing a process to look at what kind of buffers/practices under FIFRA to protect ESA species, Ex. 5 - Deliberative

What should the State do to have an approvable program? We know this, too, and there are more ideas out there to fix other gaps. I think we've come up with items that will make a difference, are practical, doable and consistent with other coastal states.

The last two are what management seem to what more clarification on, and that's where we can follow up.

Why are adequate buffers for type N streams for aerial applications important? We already have talked about why Type N streams are important in coastal areas and the listed coastal coho. We also know all other states do not allow aerial application of herbicides without either a buffer or a complete restriction on them. In my mind, this is not key to our ultimate decision, but it helps strengthen the rationale of why EPA and NOAA applied this measure.

The additional information we can look at to strengthen our understanding on this question is the background for why this was explicitly called out in 1998 (there were only 4 additional forestry mgmt measures, so there must be more background material) and why other states have put in Type N buffers.

The State uses FIFRA to protect Type N streams. How is this not enough? Why should the State take actions above and beyond FIFRA?

Ex. 5 - Deliberative

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If you recall the first questions, it's whether the State has buffers in place and/or protections for aerial application of herbicides on Type N streams.

Secondly, there may be other CZARA constructs to on ways that programs need to function for approval. Don Waye from EPA HQ (larger CZARA tech team) also had some thoughts on this, and I'd like to get this thoughts on this.

Anyway, those are my thoughts for now, and I just wanted to share with the group for you to digest. Will be talking with several of you before we meet next week - Jenny